

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

GREGORY DAVIS,

Plaintiff,

v.

**Case No. 1:07cv63
(Judge Keeley)**

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

On May 14, 2007, the *pro se* plaintiff filed a Bivens complaint and FTCA seeking monetary damages against the defendants for allegedly opening his special mail outside his presence. On June 6, 2007, the plaintiff filed a Motion to Amend Civil Action Complaint to add seven additional violations of mail openings similar to that which he alleged in his original complaint.

Federal Rule of Civil Procedure 15(a) provides that “a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served... Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.”

Here, a review of the file shows that no responsive pleading has been served. Thus, the plaintiff’s Motion to Amend (Doc. 12) is **GRANTED** as a matter of course.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* plaintiff and any counsel of record.

DATED: November 5, 2007.

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE